

IN THE CLAIMS

Please amend the claims to read as follows:

Listing of Claims

Claims 1-9 (Cancelled).

10. (New) A data transmitting apparatus comprising:

a transmitting section that amplifies a modulated signal, obtained by modulating transmission data, up to power with a predetermined level so as to transmit the amplified signal; and
a transmission power controlling section that controls transmission power at a time of re-transmitting said transmission data, wherein:

said transmission power controlling section decides the transmission power of parity bits based on a ratio of the number of information bits to the number of parity bits when said parity bits for error correction are transmitted at the transmission data re-transmitting time.

11. (New) The data transmitting apparatus of claim 10, wherein said transmission power controlling section uses reception quality information, sent from an apparatus receiving the transmitted transmission data, in connection with the

modulated signal transmitted from the data transmitting apparatus at the time of deciding the transmission power of parity bits.

12. (New) The data transmitting apparatus of claim 11, wherein:

said transmission power controlling section decides the transmission power of parity bits according to the reception quality information, increases said transmission power when the reception quality is poor, and decreases said transmission power when the reception quality is good.

13. (New) A data transmitting apparatus comprising:

a transmitting section that amplifies a modulated signal, obtained by modulating transmission data, up to power with a predetermined level so as to transmit the amplified signal; and

a transmission power controlling section that controls transmission power at a time of re-transmitting said transmission data, wherein:

said transmission power controlling section decides the transmission power of parity bits such that a ratio of the transmission power of information bits to the power of parity bits and a ratio of the number of information bits to the number of parity bits become the same value when said parity bits for

error correction are transmitted at the transmission data re-transmitting time.

14. (New) The data transmitting apparatus of claim 13, wherein said transmission power controlling section uses reception quality information, sent from an apparatus receiving the transmitted transmission data, in connection with the modulated signal transmitted from the data transmitting apparatus at the time of deciding the transmission power of parity bits.

15. (New) The data transmitting apparatus of claim 14, wherein:

said transmission power controlling section decides the transmission power of parity bits according to the reception quality information, increases said transmission power when the reception quality is poor, and decreases said transmission power when the reception quality is good.

16. (New) A base station apparatus comprising the data transmitting apparatus of claim 10.